

REMARKS

In the Office Action mailed November 2, 2008, the Office noted that claims 17-28 were pending and rejected claims 17-28. Claims 24, 26 and 28 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 17-28 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

DOUBLE PATENTING

Claims 17-28 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Applications No. 11/710,465, 11/710,547, 11/710,963, 11/710,968, 10/565,076.

The Applicants herewith file a terminal disclaimer to overcome the provisional rejection.

Withdrawal of the provisional rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claim 28 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Office asserts that a feature of the claims has insufficient basis issue.

The Applicants have amended the claim to overcome the rejection.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 17-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Park, U.S. Patent No. 7,233,550. The Applicants respectfully disagree and traverse the rejection with an argument.

The instant Application was filed January 18, 2006 and claims priority to Japanese Patent Application JP 2003-200297 filed July 23, 2003. Park was filed September 26, 2003. The Applicants herewith file a verified English translation of the priority, thereby perfecting priority. Thus, the Park reference is insufficient as prior art as applied against the present Application.

Therefore, the Office has failed to make a *prima facie* case of anticipation in this matter.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 102. It is also submitted

that claims 17-28 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Please charge the terminal disclaimer fee of \$140 to our credit card.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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Appendix:

The Appendix includes the following items:

- terminal disclaimer
- verified English translation of priority Japanese Application
No. 2003-200297 filed July 23, 2003